

Developmental Disabilities Council
Reading Cover Page

Date: September 16, 2004

Meeting: Governance Committee

Reading Number: 04-G-12

Issue: Reasonable Accommodation Policy

Included in this reading:

Draft 4- Reasonable Accommodation Policy

Background/Summary:

Draft 4 of the policy includes the changes proposed at the July Committee meeting.

Action:

Discussion, recommendation and vote to full Council

Focus Question(s):

If you have questions, please contact Clare Billings or Brian Dahl at 1-800-634-4473.

DRAFT 4

Reasonable Accommodation Policy

Consistent with its Charter, it is the policy of the Developmental Disabilities Council to provide reasonable accommodations to its members to assure equal access to and participation in Council meetings and Council sponsored activities. Accommodations must be individually determined.

Examples of reasonable accommodations provided by the Council:

Safe Lodging – in compliance with the Americans with Disabilities Act (Public Law 101-336), all overnight facilities used by the Council are accessible to individuals with disabilities. Every effort is made to see that persons with disabilities are given accessible lodging. Safety information is available at the time of check in.

Personal Assistance – is provided, when requested by Council members, to assist with dressing, toileting, eating, etc. as determined by the needs of individual Council members.

Communication Assistance – interpreters, reader assistance, Braille, large type, computer disk materials, teleconference call meetings, or assistive listening systems are provided, when requested by Council members and/or participants.

Meeting Room Physical Accessibility – All Council meetings are held in accessible sites. Safe evacuation information is available to participants prior to the start of meetings.

Transportation – equal access to transportation is provided for all Council members.

Other Accommodations – special dietary requests, special equipment, and assistance before, during and after meetings are provided, as determined by the Council member.

Meeting Structure/Break Times – Council meeting agendas must schedule a 20-minute break for every 3 hours of meeting time.

Reasonable Accommodation

Requests for a reasonable accommodation must be made in writing, by email, or communicated orally to the Council Member Support Coordinator.

Provision of a reasonable accommodation is based on the following guidelines on making services, programs and activities accessible to people with disabilities consistent with state and federal law.

Program Access and Responsibilities

The Council will provide equal opportunities to persons with disabilities to participate in Council business and activities regardless of disability or use of service animal.

The Council will provide an equal opportunity to all Council members to participate in all Council business, including meetings, executive sessions, workgroups, and committees.

Generally, it is the responsibility of the person with the disability to make his/her needs known.

The Council will inform members of the general public of:

- Their right to request accommodations,
- How to initiate such a request, and
- About internal complaint procedures, external mechanisms, and remedies if an individual believes that he/she has been discriminated on the basis of a disability.

External mechanisms may include filing a complaint with:

- a. Washington State Human Rights Commission
- b. United States Department of Justice
- c. United States Health and Human Services Office for Civil Rights

The Council will not retaliate against or coerce any person who exercises his or her rights, or assists others in exercising their rights under this policy or state and federal civil rights law.

The Council will not impose a surcharge on any individual with a disability or groups of people with disabilities to cover any additional costs of making a program or activity accessible.

The Executive Director is responsible for deciding whether providing an accommodation would result in fundamental alteration in the nature of its programs, services or activities or would pose as an undue financial and administrative burden. The Executive Director's decision must be in writing with reasons for reaching that conclusion.

Communications:

The Council will take appropriate steps to facilitate effective communication with the person with the disability by giving

primary consideration to requests of the person with the disability in determining what type of aid or service is necessary.

Facilities:

When determining the site or location of a meeting or activity, the Council will make selections that allow a person with a disability an equal opportunity to participate in or benefit from Council business or activities.

The Council maintains lists of equipment and features of facilities required to provide ready access to people with disabilities.

The Council will provide information that directs persons with disabilities to accessible services, activities, and facilities including signage that:

- Directs users to the accessible features of the facility (e.g. path-of-travel, entrances, restrooms, telephones, etc.)
- Complies with appropriate state and federal accessibility standards.

Authorizing Sources

Americans with Disabilities Act (ADA) 1990 Public Law 101.336, Title II

Rehabilitation Act of 1973, 29U.S.C. 794 (Section 504)

Washington Law Against Discrimination – RCW 49.60

WAC 162-26

Governor's Executive Order 96-04

Developmental Disabilities Act of 2000 Public Law 106.402

Definitions:

Auxiliary Aides and Services – means a wide range of services and devices for ensuring effective communication.

The type of auxiliary aide or service necessary to ensure effective communication will vary according to the needs of the individual. Examples of these aides and services include but are not limited to:

- Support person who is qualified to interpret the information that is put forth to allow the individual an equal opportunity to participate in and contribute to Council business. Personal assistants to assist with bathing, dressing, toileting, eating, etc. (Support person does not include Council mentors.)
- Qualified sign language and other language interpreters, note takers, written materials, assistive listening systems, telephones compatible with hearing aids, open and closed captioning, Tele-a-typewriter (TTY), videotext display, qualified readers, Braille materials, large print, communication boards, etc.

Fundamental Alteration and Undue Burden – are defenses for not meeting the program access requirements of Title II of the ADA. The Council is not required to make a program service or activity accessible if doing so would fundamentally alter the nature of the program, service or activity, or if it would result in an undue administrative or financial burden.

Person with a disability – is a person who meets one or more of the following:

- A physical or mental impairment that substantially limits one of more major life activities,
- Has a record of physical, mental or sensory impairment,
- Who is regarded as having a physical, mental or sensory impairment, or

- Has a condition medically cognizable or diagnosable and who is denied reasonable accommodation or is discriminated against on the basis of that condition.

Qualified person with a disability – means a person with a disability who meets the essential eligibility requirements to participate in Council programs and activities with or without reasonable modification to rules, policies or practices; removal of architectural communication or transportation barriers; or provision of auxiliary aids and services.

Service Animal – means any guide dog, signal dog, or other animal individually trained to do work or perform tasks for the benefit of an individual with a disability, including but not limited to:

- Guiding individuals with impaired vision
- Alerting individuals with impaired hearing to intruders or sounds
- Providing minimal protection or rescue work
- Pulling a wheelchair
- Fetching dropped items